HON'BLE SHRI G.S. SINGHVI, THE CHIEF JUSTICE

AND

HON'BLE SHRI JUSTICE G.V. SEETHAPATHY

WRIT PETITION NO.14053 OF 2006

BETWEEN

Smt. S. Vanaja

.....Petitioner

And

Government of Andhra Pradesh,
Rep. by its Principal Secretary to
Panchayat Raj Department,
Hyderabad & others.

.....Respondents

::O R D E R ::

Counsel for the Petitioner : Shri G.S. Reddy

Counsel for Respondent Nos.1,3 & 4: Government Pleader for Panchayat Raj

Counsel for Respondent No.2 : Shri V.V. Prabhakara Rao

Dated: 14.09.2006

Per G.S.Singhvi, CJ

By a separate order passed today in W.P.M.P.No.22357 of 2006, we have restored the writ petition, which was earlier dismissed in default on 2-8-2006.

We have heard learned counsel for the parties and perused the record.

The petitioner is the Sarpanch of Gram Panchayat, Chowderpally, Devarkadara Mandal, Mahabubnagar district. In the writ petition, she has made the following substantive prayer:

> " For the reasons stated above, it is prayed that this Honourable Court may be pleased to issue Writ, order or direction, more particularly one in the nature of Writ of Mandamus, directing the 1st respondent to relax the rule of ban for bifurcation and lift the ban in so far as the Hajilapur Village Gram Panchayat is concerned for bifurcating the Gram Panchayat of Hajilapur into two Gram Panchayats, by forming a separate Gram Panchayat for the village of Chowderpally and further direct the second respondent to stop the entire elections process of issuing Notification and conducting election to the Gram Panchayat, Hajilapur, Devarkadara Mandal, Mahabubnagar district, till the bifurcation is done and pass such other order or orders as this Honourable Court may deem fit and proper in the circumstances of the case."

In our opinion, the writ petition is liable to be dismissed on the short ground that Hajilapur Gram Panchayat which is sought to be bifurcated by the petitioner has not been impleaded as a party to the writ petition and without hearing the said Gram Panchayat, which, as per Article 243 (d) of the Constitution of India has a constitutional status, relief in terms of the prayer made in the writ petition cannot be

granted.

There is another reason for our disinclination to entertain the prayer of the petitioner. Election to Gram Panchayat Hajilapur has already been held in the month of July/August, 2006 and none of the elected representatives has been impleaded as a party to the writ petition.

For the reasons afore-stated, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, W.P.M.P.No.17509 of 2006 filed by the petitioner for interim relief is also dismissed.

G.S.SINGHVI, CJ.

14th September, 2006

G.V.SEETHAPATHY, J

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